

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

EMPLOYERS MUTUAL CASUALTY)	
COMPANY, an insurance company)	
incorporated in the State of Iowa;)	
)	CIVIL ACTION NUMBER
Plaintiff,)	
)	2:05 -CV-01108-DRB
V.)	
)	
ARNBERG & ALLEN CONSTRUCTION,)		
L.L.C.; STEPHEN D. ARNBERG,)	
JIM ALLEN, MICHAEL O. LUNSFORD)	
and DEBRA O. LUNSFORD.)	
)	
Defendants.)	

APPLICATION AND AFFIDAVIT FOR ENTRY OF DEFAULT
MOTION FOR JUDGMENT BY DEFAULT

Comes now the Plaintiff Employers Mutual Casualty Company (“EMCC”), by and through counsel, and pursuant to Rule 55 of the Federal Rules of Civil Procedure, and hereby requests the Court to enter default against Defendant Stephen D. Arnberg in the above entitled action for failure to plead, answer or otherwise defend. As grounds in support of said motion, Plaintiff states the following and submits the attached affidavit as “Exhibit A”.

1. Stephen D. Arnberg was duly served with a copy of the summons, together with a copy of plaintiff’s complaint on December 2, 2005.
2. More than twenty (20) days have elapsed since the date on which this

defendant was served with summons and a copy of the complaint.

3. This defendant has failed to answer or otherwise defend as to plaintiff's complaint, or serve a copy of any answer or other defense which he might have upon the undersigned attorneys of record for the plaintiff.

WHEREFORE, premises considered, Plaintiff respectfully requests this Court enter a default judgment against defendant Stephen D. Amberg finding that he is bound by the determination of this court concerning EMCC duties to defend and/or indemnify Stephen D. Arnberg, et al in the underlying action.

/s/James A. Kee, Jr. ASB-4314-e68j
/s/Cynthia A. Martin ASB-2044-i49c
Attorneys for Plaintiff Employers Mutual
Casualty Company

OF COUNSEL:

KEE & SELBY, L.L.P.
1900 International Park Drive
Suite 220
Birmingham, Alabama 35243
(205)968-9900 (phone)
(205)968-9909 (fax)

CERTIFICATE OF SERVICE

I hereby certify that on January 19, 2006 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to:

Richard H. Allen
CAPELL HOWARD, PC
P.O. Box 2069
Montgomery, Alabama 36102-2069

Robert Jackson Russell, Jr
PARNELL & CRUM, PA
P.O. Box 2189
Montgomery, Alabama 36102-2189

I further certify that on January 19, 2006 I served a copy of the foregoing by placing a copy of same in the United States mail, postage prepaid to:

Stephen D. Arnberg
9790 Highway 63 South
Alexander City, Alabama 35010

/s/Cynthia A. Martin ASB-2044-i49c